

IN THE CIRCUIT COURT OF LEE COUNTY, MISSISSIPPI

CONNIE COKER

PLAINTIFF

VERSUS

USDC No. 1:21cv182-MPM-RP
NO. CV 2021-000818

THE KROGER CO., MO TUPELO, LLC
AND JOHN DOES 1-5

DEFENDANTS

COMPLAINT

COMES NOW Plaintiff, through counsel, and files this her Complaint against the Defendants as follows, to-wit:

I.

Plaintiff is an adult resident citizen of Tupelo, Lee County, Mississippi.

Defendant, The Kroger Co., (hereafter "Kroger") is a corporation organized and existing under the laws of the State of Ohio, and who is registered as doing business in the State of Mississippi, and may be served with process of this Court by service upon its registered agent, Corporation Service Company, 7716 Old Canton Rd., Suite C, Madison, Mississippi 39110.

III.

Defendant, MO Tupelo, LLC, (hereafter "MO Tupelo") is a Limited Liability Company organized and existing under the laws of the State of Delaware, and who is registered as doing business in the State of Mississippi, and may be served with process of this Court by service upon its registered agent, C.T. Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, MS 39232.

IV.

John Does 1-5 are unknown persons or entities who may be liable and responsible for the accident of September 4, 2019, whose names are unknown but will or may be ascertained in discovery.

V.

Plaintiff would state unto the Court that on or about September 4, 2019, Plaintiff, Connie Coker arrived on the premises of the Kroger store located at 930 Barnes Crossing, Road, Tupelo, Lee County, Mississippi, for purposes of transacting business within said Kroger store; Plaintiff was at all times relevant herein a "business invitee" of Kroger within the meaning of statutory and case law.

As Plaintiff was entering the Kroger store, the automatic doors closed on Plaintiff and she was pushed down, resulting in injuries and damages to Plaintiff as set forth hereinafter. The automatic doors at the entrance to said Kroger store created a dangerous condition on the store premises and caused Plaintiff to suffer substantial trauma and medical injuries to her hip and leg.

VI.
The incident and resulting damages to Connie Coker were directly and proximately caused or contributed to by the negligence of the Defendants, Kroger and MO Tupelo, who knew of the danger or in the exercise of reasonable care should have known of the danger of its doors to its customers, particularly those of advanced age, disabilities and children, and in its failure to exercise a proper degree of care in the following respects, to-wit:

- a. Failing to provide a reasonably safe entrance into the store;
- b. Failing to properly monitor, inspect, repair and maintain the automatic doors into the store;
- c. Failing to warn of the dangerous condition;
- d. By other acts of negligence as will be shown at the trial of this cause.

VII.

As a direct and proximate result of these negligent acts, Connie Coker was caused to incur medical expenses and may reasonably anticipate incurring future medical expenses, pain and suffering and resulting mental and emotional distress. These injuries were a direct and proximate result of the unsafe condition and/or acts of negligence set forth herein.

WHEREFORE, Plaintiff, Connie Coker, demands judgment of, from and against the

Defendants in an amount in excess of the minimum jurisdictional limits of this court as the jury determines together with all costs herein and interest thereon.

Respectfully submitted,

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